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F.#2015R00_____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 08 2015 ★

LONG ISLAND OFFICE

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(18 U.S.C. §§ 1959(a)(5)
and 924(c)(1)(A)(iii))

SERGIO CERNA,
also known as "Taz,"

Defendant.

- - - - - X

MJ 15-0019-

ANT

EASTERN DISTRICT OF NEW YORK, SS:

SEAN C. MCMULLEN, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

Upon information and belief, on or about September 11, 2011, within the Eastern District of New York, the defendant SERGIO CERNA, also known as "Taz," together with others, for the purpose of maintaining and increasing position in La Mara Salvatrucha, also known as the MS-13 street gang (the "MS-13"), an enterprise that was engaged in racketeering activity, did knowingly and intentionally attempt to murder John Doe, an individual whose identity is known to the government, in violation of New York Penal Law Section 125.25(1).

(Title 18, United States Code, Section 1959(a)(5)).

Upon information and belief, on or about September 11, 2011, within the Eastern District of New York, the defendant SERGIO CERNA, also known as "Taz," together with others, did knowingly and intentionally use and carry a firearm during and in relation to a crime of violence, to wit, the above-violation of 18 U.S.C. § 1959(a)(5), which firearm was discharged.

(Title 18, United State Code, Section 924(c)(1)(A)(iii)).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I have been a Special Agent with the FBI for approximately 18 years. I am currently assigned to the FBI's Long Island Gang Task Force (the "Task Force"), which is comprised of agents and officers of the FBI, Nassau County Police Department, Nassau County Sheriff's Department, Suffolk County Probation, Suffolk County Sheriff's Department, Rockville Centre Police Department, and Suffolk County Police Department. The primary mission of the Task Force is to combat violent crime perpetrated by street gang members. The information contained in this affidavit comes from first-hand knowledge, surveillance, interviews of gang members, my discussions with witnesses involved in the

^{1/} Because the purpose of this affidavit is to establish only probable cause to arrest the defendant, I have not set forth a description of all the facts of which I am aware.

investigation, my discussions with other agents and officers, and a review of reports and evidence related to this investigation.

La Mara Salvatrucha

2. Many of the cases investigated by the Task Force involve members of the MS-13. The MS-13 constitutes an "enterprise" as defined in Section 1959(b)(2) of Title 18, United States Code, that is, a group of individuals associated in fact that engages in, and the activities of which affect, interstate and foreign commerce. Furthermore, the MS-13, through its members and associates, engages in racketeering activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts and threats involving murder, in violation of the laws of the State of New York, and narcotics trafficking, in violation of Title 21, United States Code, Sections 841 and 846. Over the past several years, dozens of MS-13 members have been indicted and convicted in the Eastern District of New York for, among other things, murder, conspiracy and assaults, all committed in violation of Title 18, United States Code, Section 1959(a).

3. The MS-13, primarily comprised of immigrants from El Salvador, has members located throughout Long Island and the United States. In the United States, major MS-13 chapters, or "cliques," have been established in New York, Maryland, Virginia, North Carolina, Texas, California and elsewhere. Following induction,

members of the MS-13 sometimes signify their membership with gang-related tattoos. On Long Island, MS-13 cliques have been established in various towns including Hempstead, Freeport, Westbury, Roosevelt, Huntington, Brentwood and Islip. The cliques routinely hold meetings to plan criminal activity and members pay dues into a clique treasury. The treasury funds are used to purchase firearms and ammunition and to promote other illegal activity. Inter-clique meetings, called "Universals," are used to coordinate criminal activities among different cliques. Participation in criminal activity by a member, especially violence directed at rival gangs or police informants, increases the respect accorded to that member and could result in a promotion to a leadership position. On Long Island, MS-13 members are frequently involved in violent altercations with members of rival gangs such as the 18th Street gang, Salvadorans With Pride, the Latin Kings and the Bloods. Long Island MS-13 members have repeatedly carried out assaults, stabbings and shootings targeting members of rival gangs and others, including MS-13 members believed to be cooperating with law enforcement. Long Island MS-13 members have committed numerous murders on behalf of the gang.

4. The defendant SERGIO CERNA, also known as "Taz," has been identified as a member of the Brentwood Locos Salvatruchas ("BLS") clique of the MS-13 by numerous cooperating defendants.

Additionally, when the defendant was arrested on January 7, 2015, he admitted that he was a member of the BLS clique of the MS-13.

September 11, 2011 Attempted Murder of John Doe

5. On September 11, 2011, at approximately 9:00 p.m., John Doe and two other individuals were standing on a sidewalk in front of 12 First Avenue in Brentwood, New York, when a Hispanic male approached, said "What's up?", fired two shots, one of which struck John Doe in the lower back, and then fled. Another eyewitness in the area heard two gun shots and then observed a man with a handgun enter a dark-colored, compact sedan and drive away. John Doe was transported to Southside Hospital, where he was treated and he survived the gunshot wound.

6. Video surveillance cameras from a business adjacent to the shooting, recorded the attempted murder of John Doe. Specifically, the video depicts an individual, who matches the physical description of the defendant SERGIO CERNA, also known as "Taz,"² parking a dark-colored, compact sedan, walking toward 12 First Avenue and shooting John Doe, and then fleeing the scene in the dark-colored sedan.

7. During the course of the investigation, members of the Task Force have interviewed several former MS-13 members regarding the attempted murder of John Doe, including, without limitation, a

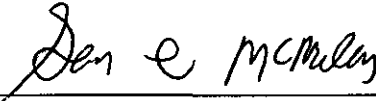
² While the individual in the video recording matches the defendant's physical description, his face cannot be seen on the video.

certain cooperating defendant ("Cooperating Defendant #1").³ Cooperating Defendant #1 stated, in sum and substance, that: (a) the defendant SERGIO CERNA, also known as "Taz," is a member of the BLS clique of the MS-13; (b) the defendant shot John Doe with a 9mm handgun, which belonged to the BLS clique; (c) the defendant drove a dark-colored Nissan Altima, which belonged to the BLS clique, to carry out the shooting; and (d) the defendant shot John Doe because the defendant believed John Doe was a member of the rival Latin Kings street gang.

8. On January 20, 2012, members of the Task Force recovered a 9mm semi-automatic handgun (the "9mm") during the arrest of another member of the BLS clique. Subsequent ballistics testing determined that a casing recovered from the crime scene of the John Doe attempted murder was fired from the 9mm.


³ The information provided by Cooperating Defendant #1 has proven to be reliable in the past and has been corroborated by numerous other sources of evidence, including, without limitation, eyewitnesses, surveillance video footage, ballistics evidence, and interviews of other witnesses, including other members and associates of the MS-13. Those witnesses' identities are known to the government, but are not set forth herein in order to protect the witnesses from intimidation and harm by members and associates of the MS-13.

WHEREFORE, your deponent respectfully requests that the defendant SERGIO CERNA, also known as "Taz," be dealt with according to law.



SPECIAL AGENT SEAN C. MCMULLEN
Federal Bureau of Investigation

Sworn to before me this
8th day of January, 2015



/s/ A. Kathleen Tomlinson
THE HONORABLE A. KATHLEEN TOMLINSON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK